UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,404	09/11/2003	Robert Silva	IGT1P060X2/P000568-018	6650

79646 7590 04/14/2011		EXAMINER
Weaver Austin Villeneuve & Sampson LLP - IGT		LEIVA, FRANK M
Attn: IGT		

ART UNIT	PAPER NUMBER
3717	

NOTIFICATION DATE	DELIVERY MODE
04/14/2011	ELECTRONIC

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2011*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-16,41 and 42* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,4-16,41 and 42* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *01/10/2011*.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Acknowledgements

1.   The examiner acknowledges claims 1, 4-8, 14 and 41 amended in applicant's submission filed 10 January 2011.

Response to Arguments

2.   Applicant's argument directed to the 35 USC §112 1st paragraph rejection of claims 1, 4, 6. 7 and 8 is persuasive and rejection is withdrawn.

3.   Applicant's argument directed to the 35 USC §112 2nd paragraph rejection of claims 4-8 and 14 is persuasive and rejection is withdrawn.

4.   Applicant's arguments filed 10 January 2011 have been fully considered but they are not persuasive for the following reasons.

5.   The argument on page 5 of applicant's remarks directed towards the 35 USC §112 2nd paragraph rejection of claim 41 is not persuasive. IEEE 802.11x denotes future versions of the protocol not in existence, and Home RF as a trademark can still be revived or purchased and continued to operate under new management and changes can be made to the product.

6.   The argument on page 7 of applicant's remarks; "The reliance on Lazzarotto does not remedy the deficiencies of Cole. Lazzarotto (3:17-31) does not disclose a wireless communication manager adapted to configure a peripheral controller by assigning a communication identification key to the peripheral controller." The examiner points to Lazzarotto's use of Bluetooth technology and HomeRF both known to use an initialization unique code identifier configured at the moment of initialization. Support for Bluetooth knowledge base is stated below with examiner's notes.

7.   Since the remarks are directed to Lazzarotto not disclosing configuring the peripheral controller, and having pointing out where it is disclosed, the examiner deems the rejections proper and the claims as amended will be reviewed on its merits below.

Claim Rejections - 35 USC § 112 2nd paragraph

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.   **Claim 41** is rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for
failing to particularly point out and distinctly claim the subject matter which applicant
regards as the invention. Claim 41 uses the trademark names "IEEE 802.11x, and
Home RF", that point to indefinite and arbitrary definitions. The formula or
characteristics of the product may change from time to time and yet it may continue to
exist under the same trademark. In patent specifications, every element or ingredient of
the product should be set forth in positive, exact, intelligible language, so that there will
be no uncertainty as to what is meant. Arbitrary trademarks which are liable to mean
different things at the pleasure of manufacturers do not constitute such language.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**11.   Claims 1, 4-16 and 41-42 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Cole et al (US 2004/0137978 A1), in view of Lazzarotto et al. (US
6,782,245).**

12.   Regarding the combination of analogous art; Cole discloses a gaming system
comprised of 2 gaming machines combined into a single housing and sharing the use of
the peripherals such as printer and bill validator, and using wireless communication to

communicate to the network; and Lazzarotto discloses peripheral interface systems a better description of the internal protocols. Both Cole and Lazzarotto teach about controller and peripheral links.

13.   Regarding claim 1; Cole discloses a gaming machine housing; a master gaming controller adapted for executing a game of chance played on the gaming machine and communicating with one or more peripheral devices used to play the game of chance, wherein the one or more peripheral devices are mounted within the gaming machine housing, (fig. 1 and ¶ [0119-0120]); wherein the master (gaming) controller comprises a wireless communication manager executed by the master (gaming) controller adapted for managing wireless communications between (i) the master (gaming) controller and the peripheral devices, (ii) the peripheral devices, ((fig. 1 and ¶ [0119-0120]).

Cole does not teach applying the technique of assigning identifier keys.

Lazzarotto discloses wherein the wireless communication manager is adapted for managing wireless communications including being adapted to configure the peripheral controller by assigning a communication identification key (col. 5:19-33, for data encoding algorithms) to the peripheral controller, (fig. 1 and 3A, col. 3:17-31 and col. 6:9-28), where it shows a wireless communication manager (MPU 306), and peripheral controller (Comm. Front end 304a), and that the invention is capable to communicate with several devices such as the master gaming controller and one or more of said peripheral devices and reformat USB signal protocols which contains an identifying protocol for the controller to differentiate the message sender.

Lazzarotto teaches a system of transforming USB communication into Bluetooth wireless communication that since USB protocols demand an identifier, inherently the Bluetooth protocol will need to transmit such identifier. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of identifying devices through the code as taught in Lazzarotto, to improve the communications of Cole for the predictable result of communicating wirelessly with the peripherals and being able to differentiate the device messages as they are exchanged.

14.   Regarding claim 4; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 4 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes assigning a global unique identifier, wherein the global unique identifier is used to wirelessly communicate to and from at least one peripheral device associated with said peripheral controller, (fig. 1), as stated with claim 3 rejection in order to communicate to the unit the identifier must be unique to the device otherwise the communications get confuse.

15.   Regarding claim 5; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 5 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes assigning a frequency range, wherein the frequency range is used to wirelessly communicate to and from at least one peripheral device associated with said peripheral controller, (5:19-33).

16.   Regarding claim 6; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 6 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes providing a frequency hopping algorithm, wherein the frequency hopping algorithm temporally assigns different frequency ranges within which to communicate to and from at least one peripheral device associated with said peripheral controller, (5:19-33), Delay modulation encoding algorithm is a frequency changing (or hopping) algorithm.

17.   Regarding claim 7; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 7 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes assigning a formatting protocol, wherein different formatting protocols are assigned to different devices within the gaming machine, and wherein the formatting protocol allows at least one peripheral device associated with said peripheral controller to filter out wireless communications intended for other devices, (2:56-67).

18.   Regarding claim 8; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 8 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes providing a spread spectrum, wherein the spread spectrum provides information allowing at least one peripheral device associated with said peripheral controller to reassemble packets received from the master gaming controller or another peripheral device, packetize communications to send to the master gaming controller or another peripheral device, or combinations thereof, (3:13-15).

19.   Regarding claim 9; Cole discloses all the limitations of claim 1 from which claim 9 depends, yet are silent to the specifics of the wireless link; where Lazzarotto discloses an internal network manager adapted for managing an internal wireless network implemented in the gaming machine, (2:56-67), the host being a USB driver or manager programmed to direct multiple communications from peripherals. Cole does not teach applying the technique of using a network manager. Lazzarotto teaches a system of transforming USB communication into Bluetooth wireless communication that since USB protocols require a driver/manager for the network, inherently the Bluetooth protocol will need to transmit such a manager. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a manager to control communications as taught in Lazzarotto, to improve the communications of Cole for the predictable result of communicating wirelessly with the peripherals and being able to control or manage the traffic of messages sent back and fort to and from the multiple peripheral devices and the gaming controller.

20.   Regarding claim 10; Cole and Lazzarotto disclose all the limitations of claims 1 and 9 from which claim 10 depends, and Lazzarotto further discloses wherein managing the internal wireless network includes counting a number of packets lost to determine a reliability rate, (6:44-54), checking for errors before formatting the signal is disclosed, it is inherent to test the capability of the system and rate of readability during development

and design only, a final product does not require a design value such as capability rate, all designs are made to be capable, yet Lazzarotto does disclose testing for errors in receiving the packets.

21.   Regarding claim 11; Cole and Lazzarotto disclose all the limitations of claims 1, 9 and 10 from which claim 11 depends, and Lazzarotto further discloses wherein the number of packets lost includes packets for which no acknowledgement was received, packets that were corrupted, or a combination thereof, (6:44-54), as mentioned above in claim 10, Lazzarotto looks for the corrupted communications.

22.   Regarding claim 12; Cole and Lazzarotto disclose all the limitations of claims 1, 9 and 10 from which claim 12 depends, and Lazzarotto further discloses wherein managing further includes adjusting the internal wireless network if the reliability rate exceeds a desired level, self adjusting optimization algorithms for (DSP) Digital Signal Processing are well known in the art.

23.   Regarding claim 13; Cole and Lazzarotto disclose all the limitations of claims 1 and 9 from which claim 13 depends on and Lazzarotto further discloses wherein managing the internal wireless network includes monitoring different frequency channels, (8:1-5).

24.   Regarding claim 14; Cole disclose all the limitations of claim 1 from which claim 14 depends, yet are silent to the specifics of the wireless link; where Lazzarotto discloses wherein at least one of the one or more peripheral devices includes a programmable interface, wherein the programmable interface allows interchangeability of at least one peripheral device within the gaming machine, (2:11-31). Cole does not teach applying the technique of assigning identifier keys. Lazzarotto teaches a system of transforming USB communication into Bluetooth wireless communication that employs a programmed driver. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a programmed driver circuit as taught in

Lazzarotto, to improve the communications of Cole for the predictable result of communicating wirelessly with the peripherals and being able to interface with the devices.

25. **Regarding claim 15;** Cole discloses wherein wireless communications between the master gaming controller and peripheral devices, and between peripheral devices are confined within the gaming machine housing, (fig. 1), all peripherals are within the same housing.

26. **Regarding claim 16;** Cole discloses wherein wireless communications within the gaming machine are transmitted with a limited strength, range, or a combination thereof, in order to reduce cross-communication with devices external to the gaming machine, (¶ [0100]), the use of infrared communication is introduced in Cole's disclosure which inherently comes with a short range.

27. **Regarding claim 41;** Cole disclose all the limitations of claim 1 from which claim 41 depends, yet are silent to the specifics of the wireless link; where Lazzarotto discloses wherein the master gaming controller and the one or more peripheral devices communicate using a wireless communication protocol selected from the group consisting of IEEE 802.11a, IEEE 802.11b, IEEE 802.11x, hiperlan/2, and HomeRF, (12:16-26). Cole does not teach applying the techniques or mention the plurality of existing protocols. Lazzarotto teaches a system of transforming USB communication into Bluetooth wireless communication that inherently includes these protocols. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using existing protocols as taught in Lazzarotto, to improve the communications of Cole for the predictable result of communicating wirelessly with the peripherals and being able to interface with currently used protocols.

28. **Regarding claim 42;** Cole discloses wherein the one or more peripheral devices include a player-tracking unit, (¶0030]).

Examiner's notes

29.   Note 1): The examiner has reviewed the priority claims of the application and would like to make it of record that the capability of a gaming controller to communicate with its peripherals wirelessly is not included in either of applications 09/921489 or 10/246373, both directed to the Player Tracking interface being able to communicate wirelessly with a wireless headset.

30.   Note 2): Nordman et al. (US2002/0174364 A1) is incorporated as reference of showing properties required by Bluetooth devices paragraphs [0006], [0054] and [0086-0087] mention the required device access code and initialization key in link encryption, which the application program 106 generates and outputs to the devices (configures the devices).

31.   Note 3): The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed .... "In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571) 272-2460. The examiner can normally be reached on M-F 11:00 am - 4:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571) 272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717

/F. M. L. /
Examiner, Art Unit 3717